

12–12–08

Vol. 73 No. 240

Friday Dec. 12, 2008

Pages 75535-75926



The FEDERAL REGISTER (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the Federal Register shall be judicially noticed.

The Federal Register is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the Federal Register www.gpoaccess.gov/ nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at gpoaccess@gpo.gov. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the Federal Register paper edition is \$749 plus postage, or \$808, plus postage, for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is \$165 plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages; \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the Federal Register.

How To Cite This Publication: Use the volume number and the page number. Example: 73 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

# SUBSCRIPTIONS AND COPIES

#### **PUBLIC**

# **Subscriptions:**

Paper or fiche 202-512-1800 Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498 Single copies/back copies:

Paper or fiche Assistance with public single copies

202-512-1800 1-866-512-1800 (Toll-Free)

# FEDERAL AGENCIES

# **Subscriptions:**

Paper or fiche 202-741-6005 Assistance with Federal agency subscriptions 202-741-6005



# Contents

# Federal Register

Vol. 73, No. 240

Friday, December 12, 2008

# Agricultural Marketing Service

RULES

Kiwifruit Grown in California; Decreased Assessment Rate, 75537-75540

# **Agriculture Department**

See Agricultural Marketing Service See Animal and Plant Health Inspection Service See Food Safety and Inspection Service See Forest Service

Agency Information Collection Activities; Proposals,

#### NOTICES

Submissions, and Approvals, 75665 Environmental Impact Statements; Availability, etc.: Proposed National Bio and Agro-Defense Facility, 75665-75667

# Air Force Department

#### **NOTICES**

Meetings:

US Air Force Scientific Advisory Board, 75686 Privacy Act; Systems of Records, 75686-75691

# **American Battle Monuments Commission**

NOTICES

No Fear Act, 75670-75671

# **Animal and Plant Health Inspection Service RULES**

Citrus Canker; Movement of Fruit from a Quarantined Area; Bag Markings, 75537

# **Antitrust Division**

# **NOTICES**

National Cooperative Research and Production Act (1993): Interchangeable Virtual Instruments Foundation, Inc., 75771-75772

International Electronics Manufacturing Initiative, 75772 OpenSAF Foundation, 75772 PXI Systems Alliance, Inc., 75772

Semiconductor Test Consortium, Inc., 75772–75773

# **Arctic Research Commission**

# **NOTICES**

Business and Executive Sessions, 75671

# **Army Department**

Environmental Impact Statements; Availability, etc.: Maneuver Center of Excellence Actions, Fort Benning, GA, 75691-75692

# Arts and Humanities, National Foundation

See National Foundation on the Arts and the Humanities

# **Broadcasting Board of Governors**

Meetings; Sunshine Act, 75671

# **Centers for Disease Control and Prevention**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 75721-75723

# **Commerce Department**

See International Trade Administration See National Oceanic and Atmospheric Administration

# **Commodity Futures Trading Commission** PROPOSED RULES

Significant Price Discovery Contracts on Exempt Commercial Markets, 75888-75921

# **Corporation for National and Community Service NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 75678–75679

# **Defense Department**

See Air Force Department See Army Department See Navy Department **NOTICES** 

Modification of Federal Advisory Committee Charter, 75679 Privacy Act; Systems of Records, 75679-75686

# **Drug Enforcement Administration**

# NOTICES

Revocation of Registration: Hicham K. Riba, D.D.S., 75773-75774 Your Druggist Pharmacy, 75774-75776

# **Education Department**

# **NOTICES**

Credit Enhancement for Charter School Facilities Program; Notice inviting Applications for New Awards (FY 2009), 75693–75698

# **Election Assistance Commission**

# NOTICES

Proposed Advisory 09-001 Maintenance of Effort Funding; Request for Public Comment, 75698-75700

# **Energy Department**

See Federal Energy Regulatory Commission

# **Environmental Protection Agency**

**RULES** 

Approval and Promulgation of Implementation Plans: Alaska; Interstate Transport of Pollution; Correction, 75600

Pesticide Regulations; Technical Amendments, 75592-75600

Pesticide Tolerance:

Etofenprox, 75601-75605

Pesticide Tolerances:

Isoxaflutole, 75605-75609

# PROPOSED RULES

Data Requirements for Antimicrobial Pesticides; Extension of Comment Period, 75629

Revisions to the California State Implementation Plan: Approval of the Ventura County Air Pollution Control District - Reasonably Available Control Technology Analysis, 75626-75628

# NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 75705-75709

Certain New Chemicals; Receipt and Status Information, 75709-75714

Environmental Impact Statements; Availability, etc.: Comments Availability, 75714-75715

Weekly Receipt, 75715-75716

Integrated Science Assessment for Oxides of Nitrogen and Sulfur - Environmental Criteria; Document Availability, 75716-75717

Maine Marine Sanitation Device Standard - Receipt of Petition, 75717-75718

Meetings:

Board of Scientific Counselors, National Center for Environmental Research Standing Subcommittee, 75718-75719

# **Executive Office of the President**

See Presidential Documents

# **Federal Communications Commission** PROPOSED RULES

Petition for Rulemaking Regarding Exclusivity Arrangements Between Commercial Wireless Carriers and Handset Manufacturers, 75629-75630 Radio Broadcasting Services: Mount Enterprise, TX, 75630-75631

Port Angeles, WA, 75631

# Federal Deposit Insurance Corporation NOTICES

Meetings; Sunshine Act, 75719-75720

# **Federal Emergency Management Agency**

Suspension of Community Eligibility, 75609-75611 NOTICES

Disaster Housing Assistance Program (DHAP)-Ike, 75729-

# **Federal Energy Regulatory Commission** NOTICES

Applications:

Consumers Energy Co., 75700–75701 Riverbank Ogdensburg, LLC, 75701 Scott's Mill Hydropower, LLC, 75701-75702 Southern Natural Gas Co., 75702

Environmental Impact Statements; Availability, etc.: Port Barre Investments, L.L.C. (d/b/a Bobcat Gas Storage);

Bobcat Gas Storage Project Expansion, 75702-75705 Meetings:

Tuscarora Gas Transmission Co.; Technical Conference, 75705

# **Federal Motor Carrier Safety Administration** NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 75793-75794 Qualification of Drivers; Exemption Applications; Vision, 75794-75808

# **Federal Railroad Administration**

#### NOTICES

Waiver of Compliance Request: Capital Metropolitan Transportation Authority; Public Hearing, 75808-75809

# **Federal Reserve System**

#### NOTICES

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies, 75720

Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities, 75720

# **Financial Management Service**

See Fiscal Service

# **Fiscal Service**

#### RULES

Collateral Acceptability and Valuation, 75589-75591

# Food and Drug Administration

PROPOSED RULES

Withdrawal of Certain Proposed Rules and Other Proposed Actions, 75625-75626

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 75723-75724

Draft Guidance for Industry and Food and Drug Administration Staff:

Submission and Review of Sterility Information in Premarket Notification Submissions for Devices Labeled as Sterile; Availability, 75724-75725

# **Food Safety and Inspection Service**

# RULES

Uniform Compliance Date for Food Labeling Regulations, 75564-75566

# **Forest Service**

# **NOTICES**

Environmental Impact Statements; Availability, etc.: Wallowa-Whitman National Forest, Baker County, OR; Snow Basin Vegetation Management Project, 75667-

Proposed New Fee Sites, 75670

# **Health and Human Services Department**

See Centers for Disease Control and Prevention See Food and Drug Administration See National Institutes of Health NOTICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort, 75720

# **Homeland Security Department**

See Federal Emergency Management Agency See U.S. Customs and Border Protection RULES

Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status, 75540-75564 NOTICES

Environmental Impact Statements; Availability, etc.: Proposed National Bio and Agro-Defense Facility, 75665-

# **Housing and Urban Development Department** NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 75731-75732

Federal Property Suitable as Facilities to Assist the Homeless, 75732

Funding Availability (NOFA) for the Section 202 Demonstration Pre-Development Grant Program: Extension of Application Due Date, 75732–75733

Reconsideration of Waivers Granted to and Alternative Requirements for the State of Mississippi's CDBG Disaster Recovery Grant, 75733–75738

Regulatory Waiver Requests Granted for the Third Quarter (Calendar Year 2008), 75738–75763

# Indian Affairs Bureau

#### NOTICES

Indian Gaming, 75764

Indian Gaming; Tribal-State Class III Gaming Compact Amendment Taking Effect, 75764

# **Interior Department**

See Indian Affairs Bureau

See Land Management Bureau

See National Park Service

See Reclamation Bureau

See Surface Mining Reclamation and Enforcement Office

# **Internal Revenue Service**

# **RULES**

Creditor Continuity of Interest, 75566–75568

# **International Trade Administration**

# PROPOSED RULES

Steel Import Monitoring and Analysis System, 75624–75625  ${\tt NOTICES}$ 

Extension of Final Results of Antidumping Duty Changed Circumstances Review:

Certain Pasta from Italy, 75671–75672

Final Results of Countervailing Duty Administrative Review:

Polyethylene Terephthalate Film, Sheet, and Strip from India, 75672–75673

Stainless Steel Plate in Coils from Belgium, 75673–75675 Final Results of Sunset Review and Revocation of Order:

High and Ultra-High Voltage Ceramic Station Post Insulators from Japan, 75675–75676

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty, 75676–75677

# **International Trade Commission**

# NOTICES

Investigations:

Certain Ground Fault Circuit Interrupters and Products Containing Same, 75768–75770

Circular Welded Carbon Quality Steel Line Pipe from China, 75770

Ethyl Alcohol for Fuel Use; Determination of the Base Quantity of Imports, 75770–75771

# Judicial Conference of the United States NOTICES

Meetings:

Advisory Committee on Rules of Bankruptcy Procedure, 75771

Committee on Rules of Practice and Procedure, 75771

# **Justice Department**

See Antitrust Division

See Drug Enforcement Administration

# **Labor Department**

See Occupational Safety and Health Administration

# Land Management Bureau

#### **NOTICES**

Environmental Impact Statements; Availability, etc.: Mimbres Resource Management Plan (RMPA), Las Cruces District Office, NM, 75764–75765

Meetings:

Central Montana Resource Advisory Council, 75765

# National Foundation on the Arts and the Humanities NOTICES

Meetings:

Arts Advisory Panel, 75776

# **National Institutes of Health**

#### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 75725–75726 Meetings:

Center for Scientific Review, 75726–75727

National Eye Institute, 75727

National Institute on Deafness and Other Communication Disorders, 75727–75728

National Institute on Drug Abuse, 75728-75729

# National Oceanic and Atmospheric Administration RULES

Fisheries in the Western Pacific:

Bottomfish and Seamount Groundfish Fisheries; Management Measures for the Northern Mariana Islands, 75615–75622

Crustacean Fisheries; Deepwater Shrimp; Correction, 75622–75623

Taking of Marine Mammals Incidental to Commercial Fishing Operations:

Atlantic Large Whale Take Reduction Plan, 75611–75615 PROPOSED RULES

Fisheries of the Exclusive Economic Zone Off Alaska:

Bering Sea and Aleutian Islands Crab Rationalization Program, 75661–75664

Bering Sea and Aleutian Islands Management Area and Gulf of Alaska License Limitation Program, 75659– 75661

Taking and Importing Marine Mammals:

U.S. Navy Training in the Virginia Capes Range Complex, 75631–75659

# NOTICES

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Adjustment to Exempted Fishing Permit, 75677–75678

U.S. Climate Change Science Program Draft Unified Synthesis Product:

Global Climate Change Impacts in the United States, 75678

# **National Park Service**

# NOTICES

Continuation of Visitor Services, 75765–75767 Extension of Concession Contracts, 75767

# **Navy Department**

# **RULES**

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea (1972), 75591–75592

# OTICES

Privacy Act; Systems of Records, 75692-75693

# **Nuclear Regulatory Commission**

#### NOTICES

Licensing Support System Advisory Review Panel; Renewal of Charter, 75776–75777

# Occupational Safety and Health Administration RULES

Clarification of Employer Duty to Provide Personal Protective Equipment and Train Each Employee, 75568–75589

#### **Presidential Documents**

#### **PROCLAMATIONS**

Special observances:

Human Rights Day, Bill of Rights Day, and Human Rights Week (Proc. 8328), 75923–75926

#### **ADMINISTRATIVE ORDERS**

Government Agencies and Employees:

Agency for International Development, U.S.; designation of officers to act as Administrator (Memorandum of December 9, 2008), 75535–75536

## **Presidio Trust**

#### NOTICES

Environmental Impact Statements; Availability, etc.: Presidio Trust Management Plan Main Post Update, 75777

# **Public Debt Bureau**

See Fiscal Service

# **Reclamation Bureau**

#### NOTICES

California Bay-Delta Public Advisory Committee; Charter Renewal, 75767–75768

# Securities and Exchange Commission NOTICES

Self-Regulatory Organizations; Proposed Rule Changes: Municipal Securities Rulemaking Board, 75778–75787

# **State Department**

# NOTICES

Youth Programs Academic Year Disability Components; Request for Grant Proposals, 75787–75793

# Surface Mining Reclamation and Enforcement Office RULES

Excess Spoil, Coal Mine Waste, and Buffers for Perennial and Intermittent Streams, 75814–75885

# **Surface Transportation Board**

# NOTICES

Abandonment Exemption:

Union Pacific Railroad Co.; Comanche County, OK, 75809 Continuance in Control Exemption:

Watco Companies, Inc.; Alabama Warrior Railway, L.L.C., 75809–75810 Corporate Family Transaction:

Canadian Pacific Railway Co., Soo Line Holding Co., and Dakota, Minnesota & Eastern Railroad Corp., et al.; Iowa, Chicago & Eastern Railroad Corp., 75810 Operation Exemption:

Alabama Warrior Railway, L.L.C.; Sloss Industries Corp. and Jefferson Warrior Railroad Co., Inc., 75811 Petition for Exemption:

Alaska Railroad Corp.; Construct and Operate a Rail Line Between North Pole and Delta Junction, AK, 75811– 75812

# **Tennessee Valley Authority**

#### NOTICES

Renewal of the Regional Resource Stewardship Council, 75793

# **Transportation Department**

See Federal Motor Carrier Safety Administration See Federal Railroad Administration See Surface Transportation Board

# **Treasury Department**

See Fiscal Service
See Internal Revenue Service
NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 75812

# U.S. Customs and Border Protection

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 75730–75731

# Separate Parts In This Issue

# Part II

Interior Department, Surface Mining Reclamation and Enforcement Office, 75814–75885

# Part II

Commodity Futures Trading Commission, 75888-75921

# Part IV

Executive Office of the President, Presidential Documents, 75923–75926

# **Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

# CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR Proclamations: Proclamation Administrative Orders: Memorandums: Memorandum of July 10, 2002 (superseded by Memorandum of December 12, 2008) Memorandum of	
December 9, 2008	.75535
<b>7 CFR</b> 301920	
8 CFR 103	.75540 .75540 .75540 .75540
381	
17 CFR	
Proposed Rules: 15	.75888 .75888 .75888 .75888 .75888
Proposed Rules:	
360 <b>21 CFR</b>	.75624
Proposed Rules: Ch. 1	.75625
1	.75566
<b>29 CFR</b> 1910 1915 1917 1918 1926	.75568 .75568 .75568 .75568
30 CFR 780	.75814 .75814
380	.75589
706 40 CFR	.75591
Ch. 1	.75592
52 180 (2 documents)	.75600
180 (2 documents)	
Proposed Rules: 52	.75629 .75629
47 CFR Proposed Rules: Ch. 1	

73 (2 documents)	
	75631
50 CFR	
229 (2 documents)	75611,
	75613
665 (2 documents)	75615,
	75622
Proposed Rules:	
216	75631
679	
680	75661